

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

**REGINALD BAILEY; KENNETH BRISCO;
OLIVER DEAN; MELVIN EDWARDS;
JOHN ELLIS; RONNIE FORD; BENITA
GREEN-RILEY; MICHAEL JOHNSON;
ANTHONY JORDAN; MIRANDA LESTER;
SANDRA McNEELY; EDGAR MEDLEY;
TIMOTHY PRICE; ALONZO STUDSTILL; PAUL
THOMAS; RANDY THOMPSON; SHREE
WASHINGTON; GEORGE WHITE; and
SANDRA WILLIAMS**

Intervening Plaintiffs,

v.

DHL EXPRESS (USA), INC.,

Defendant.

CIVIL ACTION NO.:

1:10-CV-06139

INTERVENING COMPLAINT

Intervening Plaintiffs, Reginald Bailey; Kenneth Brisco; Oliver Dean; Melvin Edwards; John Ellis; Ronnie Ford; Benita Green-Riley ; Michael Johnson; Anthony Jordan; Miranda Lester; Sandra McNeely; Edgar Medley; Timothy Price; Alonzo Studstill; Paul Thomas; Randy Thompson; Shree Washington; George White; and Sandra Williams (collectively-Intervening Plaintiffs), through their attorneys, file this Intervening Complaint for violations of Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C. § 1981, against Defendant DHL Express (USA), Inc. ["DHL"], and state as follows:

NATURE OF THE ACTION

1. This action addresses unlawful employment practices of Defendant DHL and seeks to provide appropriate relief to the Intervening Plaintiffs, who were adversely affected by such practices. As alleged with greater particularity below, DHL violated Title VII and Section 1981 by subjecting African-American employees to different and less advantageous terms and conditions of employment based upon their race, including but not limited to, segregating employees by race at Defendant's Lisle, Alsip, and Franklin Park, Illinois stations. Specifically, Defendant DHL Express (USA), Inc. assigned a class of African-American employees to less desirable, more difficult and/or more dangerous dock and route assignments than White employees. In addition, Defendant DHL Express (USA) Inc. segregated employees by race by assigning African-American drivers to delivery routes in predominantly African-American neighborhoods and assigning White drivers to delivery routes in predominantly White neighborhoods.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 451, 1331, 1137, 1343, and 1345. Intervening Plaintiffs' claims are authorized by 42 U.S.C. § 2000e-5(f)(1) and 42 U.S.C. § 1981, 1981a.

3. The unlawful acts alleged below were committed within the jurisdiction of the United States District Court for the Northern District of Illinois. Venue is therefore proper under 28 U.S.C. § 1391 and 42 U.S.C. § 2000e-(5)(f)(3).

THE PARTIES

4. Intervening Plaintiff Reginald Bailey ("Bailey") is a resident of Cook County, Illinois, and a citizen of the United States. Bailey worked as a DHL Driver from April 2000 until 2008 shutdown of domestic delivery service within the United States. Bailey is African-American.

5. Intervening Plaintiff Kenneth Brisco ("Brisco") is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Brisco as a Driver from September 1998 until 2008 shutdown of domestic delivery service within the United States. Brisco is African-American.

6. Intervening Plaintiff Oliver Dean ("Dean") is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Dean as a Driver from 1998 until 2008 shutdown of domestic delivery service within the United States. Dean is African-American.

7. Intervening Plaintiff Melvin Edwards ("Edwards") is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Edwards as a Driver from 1999 until 2008 shutdown of domestic delivery service within the United States. Edwards is African-American.

8. Intervening Plaintiff John Ellis ("Ellis") is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Ellis as a Driver from 1997 until 2008 shutdown of domestic delivery within the United States. Ellis is African-American.

9. Intervening Plaintiff Ronnie Ford ("Ford") is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Ford as a Driver from 1996 until 2008 shutdown of domestic delivery within the United States. Ford is African-American.

10. Intervening Plaintiff Benita Green-Riley ("Green-Riley") is a citizen of the United States. DHL employed Green-Riley as a Driver from 2004 until 2008. Green-Riley is

African-American.

11. Intervening Plaintiff Michael Johnson (“Johnson”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Johnson as a Driver from 1997 until 2008 shutdown of domestic delivery service within the United States.

12. Intervening Plaintiff Anthony Jordan (“Jordan”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Jordan as a Driver from 1995 until 2008 shutdown of domestic delivery service within the United States. Jordan is African-American.

13. Intervening Plaintiff Miranda Lester (“Lester”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Lester as a Driver from 1994 until 2008. Lester is African-American.

14. Intervening Plaintiff Sandra McNeely (“McNeely”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed McNeely as a Driver from 1992 until 2008. McNeely is African-American.

15. Intervening Plaintiff Edgar Medley (“Medley”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Medley as a Driver from 1997 until 2008. Medley is African-American.

16. Intervening Plaintiff Timothy Price (“Price”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Price as a Driver from 1997 until 2008. Price is African-American.

17. Intervening Plaintiff Alonzo Studstill, Jr. (“Studstill”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Studstill as a Driver from 1997 until 2008. Studstill is African-American.

18. Intervening Plaintiff Paul Thomas (“Thomas”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Thomas as a Driver from 1997 until 2008. Thomas is African-American.

19. Intervening Plaintiff Randy Thompson (“Thompson”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Thompson as a Driver from 1992 until 2008. Thompson is African-American.

20. Intervening Plaintiff Shree Washington (“Washington”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Washington as a Driver from 2005 until 2008. Washington is African-American.

21. Intervening Plaintiff George White (“White”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed White as a Driver from 1996 until 2008. White is African-American.

22. Intervening Plaintiff Sandra Williams (“Williams”) is a resident of Cook County, Illinois, and a citizen of the United States. DHL employed Williams as a Driver from 2000 until 2008. Williams is African-American.

23. Plaintiff Equal Employment Opportunity Commission (“EEOC” or the “Commission”) is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII.

24. At all relevant times, Defendant DHL has continuously been a corporation doing business in the State of Illinois and the City of Chicago, Illinois.

25. At all relevant times, Defendant DHL has continuously had at least fifteen (15)

employees.

26. At all relevant times, Defendant DHL has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF FACTS

27. Prior to the institution of this lawsuit, the Intervening Plaintiffs timely filed charges of discrimination with the Commission, alleging violations of Title VII by DHL.

28. All conditions precedent to the institution of this lawsuit have been fulfilled.

29. Since at least 2005, DHL has engaged in unlawful employment practices, in violation of 42 U.S.C. § 2000e-2(a) and 42 U.S.C. § 1981. Such unlawful employment practices include, but are not limited to, subjecting Reginald Bailey; Kenneth Brisco; Oliver Dean; Melvin Edwards; John Ellis; Ronnie Ford; Benita Green-Riley; Michael Johnson; Anthony Jordan; Miranda Lester; Sandra McNeely; Edgar Medley; Timothy Price; Alonzo Studstill; Paul Thomas; Randy Thompson; Shree Washington; George White; and Sandra Williams to different terms and conditions of employment because of their race. These different terms and conditions of employment consisted of segregating employees by race in job assignments. Specifically, Defendant DHL Express (USA) Inc. assigned a class of African-American employees, including but not limited to the Charging Parties, to less desirable, more difficult and/or more dangerous dock and route assignments than White employees. In addition, Defendant DHL Express (USA) Inc. segregated employees by race by assigning African-American drivers to delivery routes in predominantly African-American neighborhoods and assigning White drivers to delivery routes in predominantly White neighborhoods.

COUNT I-Discrimination in Violation of Title VII, 42 U.S.C. §2000e-2(a)

30. Plaintiffs re-allege and incorporate paragraphs 1 through 29 as set forth above.

31. DHL intentionally discriminated against plaintiffs in job and route assignments.

32. Defendant DHL's conduct was done with malice or with reckless indifference to the Plaintiffs' federally protected rights.

33. The unlawful employment practices complained of above were intentional.

34. As a direct consequence of DHL's discriminatory actions, plaintiffs have suffered mental anguish, and emotional pain and distress.

COUNT II- Discrimination in Violation of 42 U.S.C. 1981

35. Plaintiffs re-allege and incorporate by reference paragraphs 1-29 as set forth above.

36. By discriminating on the basis of race with respect to segregation in job and route assignments DHL interfered with Plaintiffs right to contract for employment because of their race.

37. Defendant DHL Express's illegal discrimination caused Plaintiffs to suffer mental anguish and emotional pain and distress.

38. The unlawful practices complained of above were done with malice or with reckless indifference to the federally protected rights of Intervening Plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, Intervening Plaintiffs respectfully request the following relief:

- (a) Finding the Defendant in willful violation of Title VII and Section 1981;
- (b) Awarding Intervening Plaintiffs compensatory and punitive damages;
- (c) Awarding Intervening Plaintiffs pre-judgment interest and reasonable attorneys' fees and costs under Title VII and 42 U.S.C. § 1988;

- (d) Enjoining Defendant from any further discrimination or retaliation; and
- (e) Award Intervening Plaintiffs all additional relief the Court deems just and equitable.

JURY TRIAL DEMANDED

The Intervening Plaintiffs demand a jury trial.

Respectfully submitted,

Reginald Bailey; Kenneth Brisco; Oliver Dean; Melvin Edwards; John Ellis; Ronnie Ford; Benita Green-Riley; Michael Johnson; Anthony Jordan; Miranda Lester; Sandra McNeely; Edgar Medley; Timothy Price; Alonzo Studstill; Paul Thomas; Randy Thompson; Shree Washington; George White; and Sandra Williams,

/s/ Lee Winston

/s/ Roderick Cooks

Attorneys For Interveneing Plaintiffs

Dated: December 10, 2010

Lee Winston, Esq. (ASB:6407-072l)
Roderick T. Cooks, Esq. (ASB-5819-078r)
WINSTON COOKS, LLC
Two-20th Street North, Ste. 1330
Birmingham, Alabama 35203
(205) 502-0940-Telephone
(205) 502-0970-Telephone
(205) 278-5876-Fax
E-mail: lwinston@winstoncooks.com
E-mail: rcooks@winstoncooks.com

CERTIFICATE OF SERVICE

I, Lee Winston, an attorney, certify that I shall cause to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, via the Court's CM/ECF electronic filing system, this 10th day of December 2010, which shall electronically serve a copy to the following parties:

P. David Lopez, Esq.
Gwendolyn Young Reams, Esq.
John C. Hendrickson, Esq.
Diane I. Smason, Esq.
Aaron R. DeCamp, Esq.
Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, Illinois 60661

Camille A. Olson, Esq.
Richard B. Lapp, Esq.
Seyfarth Shaw, LLP
131 S. Dearborn Suite 2400
Chicago, IL. 60603

/s/Lee Winston
One of Plaintiff's Attorneys